

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BILLY WAYNE RICHMOND,

Petitioner,

V.

JEFFREY UTTECHT,

Respondent.

CASE NO. 3:19-CV-05906-BHS-JRC

ORDER VACATING REPORT AND RECOMMENDATION

The District Court has referred this action filed under 28 U.S.C. § 2254 to United States Magistrate Judge J. Richard Creatura. Petitioner Billy Wayne Richmond filed a proposed 2254 habeas petition and an application to proceed *in forma pauperis* (“IFP”). Dkt. 6.

Petitioner was instructed to pay the \$5.00 filing fee or show cause why his application to proceed IFP should not be denied on or before November 24, 2019. Dkt. 7. Petitioner failed to pay the filing fee or respond to the Court's order to show cause. *See* Dkt. On December 5, 2019, the undersigned recommended that petitioner's application to proceed IFP be denied. Dkt. 8. The Court recommended that petitioner pay the full five-dollar filing fee within thirty days after an order was entered. *Id.*

1 On December 19, 2019, petitioner paid the filing fee. *See* Dkt. entry dated December 19,
2 2019. As petitioner has now paid the filing fee, the undersigned vacates the Report and
3 Recommendation (Dkt. 8) and will consider the petition (Dkt. 9) in light of the current
4 procedural posture.

5 Dated this 31st day of December, 2019.

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10 J. Richard Creatura
11 United States Magistrate Judge
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